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NATIONAL PATENT APPLICATION

IN THE UNITED STATES PCT RECEIVING OFFICE

Examiner: Janice Lee Krizek
(703) 308-2026 (ph), (703) 872-9326 (fx)
Applicants: Phillip G. Spaniol, Steven J. Spaniol and Kevin D. Kaschke
Intl. Appl. No.: PCT/US98/18376 *Docket No.:* FT0002R
Intl. Filing Date: 23 October 1998 *Priority Date:* None
Nat'l. Appln. No.: 09/830,005 *Group Art Unit:* 3652
Nat'l. Filing Date: 21 April 2001
Entitled: Agricultural Bale Accumulator And Method Therefor

Farm Technology, L.L.C.
Kevin D. Kaschke
1507 Diamond Drive
Hoffman Estates, Illinois 60195

December 2, 2002

Election of Species under 37 C.F.R. 1.146

Honorable Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

Responsive to the office action dated October 2, 2002 for the above-identified patent application, the applicants hereby submit the following response.

The applicants hereby submit herewith, per the Certificate of Mailing under 37 CFR 1.8, a preliminary amendment, a transmittal form, a fee transmittal form, a petition for a one month extension of time including a copy of the same and a check for the required extension fee, assignment papers, and a post card.

In the office action, the examiner cites 37 U.S.C. 121, which states that if two or more inventions are claimed in the present patent application, the Director may require the application to be restricted to one of the inventions. The examiner requires that the applicant elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The examiner advises the applicant that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of claims readable thereon, including

any claims subsequently added. Further, the examiner states that an argument that a claim is allowable or that all claims are generic is considered non-responsive, unless accompanied by an election.

The applicants hereby submit a preliminary amendment that cancels, without prejudice, all of the claims of the present application and adds to the present application 35 new claims directed towards a single disclosed species.

The applicants hereby submit a petition for a one-month extension of time, under 37 C.F.R. 1.136(a), with the appropriate fee. The examiner set the shortened statutory time-period for reply to expire one month from the mailing date of the present office action. The examiner mailed the present office action on October 2, 2002. The shortened statutory time-period for reply expired on November 2, 2002. The Applicant mailed the present reply on December 2, 2002. Therefore, the applicant respectfully requests for a one month extension of time extending from November 2, 2002 to December 2, 2002.

Any inquiry related to this response should be communicated to Kevin Kaschke at the phone number listed below.

Respectfully submitted,
Phillip G. Spaniol et al.

By: Kevin D. Kaschke
Kevin D. Kaschke
Applicant/Inventor
Registration No. 35,767
Phone: (847) 794-1234

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Preliminary Amendment

Honorable Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

Responsive to the office action dated October 2, 2002 for the above-identified patent application, the applicants hereby submit the following preliminary amendment.

Please cancel, without prejudice, all of the claims of the present application and add to the present application the following 35 new claims directed towards a single disclosed species.

Any inquiry related to this response should be communicated to Kevin Kaschke at the phone number or address provided in this letter.

Respectfully submitted,
Phillip G. Spaniol et al.

By: Kevin D. Kaschke
Kevin D. Kaschke
Applicant/Inventor
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